IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1223 OF 2007

Vasantrao Sambhaji Gundal ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Sureshchandra Bhosale i/b. V.B. Tapkir, Adv. for the Applicant.
Smt.A.S.Pai, APP, for the State.

....

ALONG WITH

CRIMINAL APPLICATION NO.1224 OF 2007

1.Balu Shankar Sandbhor,
2.Pandharinath Namdeo Katore, &
3.Sanjay Vijay Bhute. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.Sureshchandra Bhosale i/b. V.B. Tapkir, Adv. for the Applicants.
Smt.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 10th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking anticipatory

bail in C.R.No.39 of 2007 of Khed Police Station, District - Pune. The said case is mainly under Sections 420, 467 of IPC.

3. It is the case of the complainant - Laxmibai that Vasantrao Sambhaji Gundal - applicant in Cri.Application No.1223 of 2007, on the pretext of preparing affidavit, obtained her thumb impressions on three papers and these documents were used for preparing agreement in favour of her cousin wherein it was shown that she relinquished her share in the agricultural land for Rs.9,50,000/-.

4. It is further case of the complainant - Laxmibai that the applicants in Cri.Application No.1224 of 2007 i.e. Balu Shankar Sandbhor, Pandharinath Namdeo Katore, & Sanjay Vijay Bhute, have signed as witnesses on the said documents.

5. The learned Advocate for the applicants has submitted that after their application for anticipatory bail was rejected by the Sessions Court the applicants have come in possession of two documents which falsify the case of the

complainant. The first document is the complaint dated 15.12.2006 made by the complainant - Laxmibai to the very same police station wherein she has stated that three stamp papers on which her thumb impression was taken had been stolen. In addition thereto, the applicants are in possession of a photocopy of the sale agreement between the complainant -Laxmibai and one Nandkumar Shinde and Suresh Bhor. It is the case of the applicants that the complaint has been lodged at the instance of Suresh Bhor who is a political leader.

6. Looking to the fact that the applicants have came into possession of these two documents after their applications for anticipatory bail were rejected by the Sessions Court, in my opinion, liberty ought to be granted to the applicants to prefer fresh applications for anticipatory bail before the concerned Sessions Court. The applicants are granted liberty to prefer fresh applications for anticipatory bail before the concerned Sessions Court. The concerned Sessions Court shall hear the anticipatory bail applications afresh and decide

the same on merits after taking into consideration these two documents and any further documents which may be produced by the applicants.

7. The applicants have already been protected upto 14th April, 2007. The said protection is extended upto 20th April, 2007 to enable the applicants to approach the concerned Sessions Court.

8. Criminal Applications are disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)